

## CHAPTER 16

# MENTION OF THE IMAMS WHO CHARGED THE KHARIJITES WITH DISBELIEF AND ORDERED THEIR ELIMINATION



THE SCHOLARS HAVE TWO DIFFERENT OPINIONS ABOUT CHARGING THE Kharijites with disbelief, but there is no difference of opinion about fighting them, for the Prophet ﷺ has given clear instructions in this regard that no Muslim can oppose. The authority to eliminate the Kharijites is taken from his many statements, such as: ‘If I were to encounter them, I would slay them like the people of Thamūd’, and ‘Kill them wherever you find them’, and so on. This was understood by the hadith scholars who worded their chapter headings accordingly. Imam al-Bukhārī penned one chapter of his collection, ‘On Fighting the Kharijites and the Heretics after Establishing the Evidence against Them’. In his *al-Ṣaḥīḥ*, Imam Muslim penned one chapter named, ‘The Encouragement to Kill the Kharijites’. In his commentary, al-Nawawī stated:

قَوْلُهُ ﷺ: فَإِذَا لَقِيتُمُوهُمْ فَاقْتُلُوهُمْ، فَإِنَّ فِي قَتْلِهِمْ أَجْرًا. هَذَا تَصْرِيحٌ بِوُجُوبِ قِتَالِ الْخَوَارِجِ وَالْبُعَاةِ، وَهُوَ إِجْمَاعُ الْعُلَمَاءِ. قَالَ الْقَاضِي: أَجْمَعَ الْعُلَمَاءُ عَلَى أَنَّ الْخَوَارِجَ وَأَشْبَاهَهُمْ مِنْ أَهْلِ الْبِدْعِ وَالْبَغْيِ مَتَى خَرَجُوا عَلَى الْإِمَامِ، وَخَالَفُوا رَأْيَ الْجَمَاعَةِ، وَشَقُّوا الْعَصَا، وَجَبَ قِتَالُهُمْ بَعْدَ إِنْذَارِهِمْ وَالْإِعْتِدَارِ إِلَيْهِمْ. وَهَذَا كُلُّهُ مَا لَمْ يُكْفَرُوا بِبِدْعَتِهِمْ، فَإِنْ كَانَتِ الْبِدْعَةُ مِمَّا يُكْفَرُونَ بِهِ جَزَتْ عَلَيْهِمْ أَحْكَامُ الْمُرْتَدِّينَ، وَأَمَّا الْبُعَاةُ الَّذِينَ لَا يُكْفَرُونَ فَيُرْتَوْنَ وَيُورَثُونَ وَدُمُهُمْ فِي حَالِ الْقِتَالِ هَدْرٌ، وَكَذَا أَمْوَالُهُمُ الَّتِي تُتَلَفُ فِي الْقِتَالِ.

The Prophet’s statement ﷺ, ‘Kill them wherever you find them, for the one who kills them will be rewarded [on the Day of Resurrection]’, is an explicit declaration of the obligation to fight the Kharijites and rebels, and this is the consensus of the scholars. Qāḍī [Abū Bakr b. al-‘Arabī] said, ‘The scholars have unanimously agreed that when the Kharijites and their ilk from the people of blameworthy innovation and rebellion revolt against the view of the community [*jamā‘a*], split the unity [of

the Muslims] and take up arms, it is obligatory to fight them after exhorting them and warning them'. Now, that applies so long as their innovation does not entail disbelief. If their innovation is one that makes them disbelievers, then the rules that pertain to apostates are applied to them. As for the rebels who do not disbelieve, they may inherit and others may inherit from them, although during times of fighting their blood is lawful, as is their wealth that is destroyed during the fighting.<sup>1</sup>

Qāḍī 'Iyāḍ said in *al-Shifā*:

وَاخْتَلَفَ قَوْلُ مَالِكٍ وَأَصْحَابِهِ فِي ذَلِكَ، وَلَمْ يَخْتَلَفُوا فِي قِتَالِهِمْ إِذَا تَحَيَّرُوا فِتْنَةً، وَأَنْهُمْ يُسْتَتَابُونَ، فَإِنْ تَابُوا وَإِلَّا قُتِلُوا، وَإِنَّمَا اخْتَلَفُوا فِي الْمُنْقَرِدِ مِنْهُمْ. وَهَذَا قَوْلُ مُحَمَّدِ بْنِ الْمَوَازِ فِي الْخَوَارِجِ، وَعَبْدُ الْمَلِكِ بْنُ الْمَاجِشُونِ، وَقَوْلُ سُخْنُونِ، وَبِهِ فُسِّرَ قَوْلُ مَالِكٍ فِي الْمُوطَأِ، وَمَا رَوَاهُ عَنْ عُمَرَ بْنِ عَبْدِ الْعَزِيزِ: يُسْتَتَابُونَ، فَإِنْ تَابُوا وَإِلَّا قُتِلُوا. وَقَالَ عَيْسَى، عَنِ ابْنِ الْقَاسِمِ: فَإِنْ تَابُوا وَإِلَّا قُتِلُوا، وَمِثْلُهُ لَهُ فِي الْمَبْسُوطِ، قَالَ: وَهُمْ مُسْلِمُونَ، وَإِنَّمَا قُتِلُوا لِزُيُومِهِمُ السُّوءِ، وَبِهَذَا عَمِلَ عُمَرُ بْنُ عَبْدِ الْعَزِيزِ. وَابْنُ حَبِيبٍ، وَغَيْرُهُ مِنْ أَصْحَابِنَا يَرَى تَكْفِيرَهُمْ.

وَقَوْلُهُ رَضِيَ اللَّهُ عَنْهُ فِي الْخَوَارِجِ: هُمْ مِنْ شَرِّ الْبَرِيَّةِ، وَهَذِهِ صِفَةُ الْكُفَّارِ. وَقَالَ رَضِيَ اللَّهُ عَنْهُ: شَرُّ قَبِيلٍ تَحْتَ أَدِيمِ السَّمَاءِ، طُوبَى لِمَنْ قَتَلَهُمْ أَوْ قَتَلُوهُ. وَقَالَ: فَإِذَا وَجَدْتُمُوهُمْ فَأَقْتُلُوهُمْ قَتْلَ عَادٍ. وَظَاهِرُ هَذَا الْكُفْرُ لَا سِيَّمَا مَعَ تَشْبِيهِهِمْ بِعَادٍ، فَيَحْتَجُّ بِهِ مَنْ يَرَى تَكْفِيرَهُمْ، فَيَقُولُ لَهُ الْآخَرُ: إِنَّمَا ذَلِكَ مِنْ قَتْلِهِمْ لِحُرُوجِهِمْ عَلَى الْمُسْلِمِينَ، وَبَغْيِهِمْ عَلَيْهِمْ بِدَلِيلِهِ مِنَ الْحَدِيثِ نَفْسِهِ: يَقْتُلُونَ أَهْلَ الْإِسْلَامِ، فَقَتَلْتُمْ هَاهُنَا حَدًّا لَا كُفْرًا. وَذِكْرُ عَادٍ تَشْبِيهُ لِلْقَتْلِ وَحِلَّهِ، لَا لِلْمَقْتُولِ، وَلَيْسَ كُلُّ مَنْ حُكِمَ بِقَتْلِهِ يُحْكَمُ بِكُفْرِهِ. وَكَذَلِكَ قَوْلُهُ رَضِيَ اللَّهُ عَنْهُ: يَمْرُقُونَ مِنَ الدِّينِ مُرُوقَ السَّهْمِ مِنَ الرِّمَّةِ، ثُمَّ لَا يَعُودُونَ إِلَيْهِ حَتَّى يَعُودَ السَّهْمُ عَلَى فُوقِهِ. وَيَقُولُهُ: سَبَقَ الْفَرْتُ وَالْدَمُّ يَدُلُّ عَلَى أَنَّهُ لَمْ يَتَعَلَّقْ مِنَ الْإِسْلَامِ بِشَيْءٍ.

<sup>1</sup> Al-Nawawī, *Sharḥ Ṣaḥīḥ Muslim*, 7:169-170.

The view of Mālik and his companions regarding the Kharijites varies concerning this, but they did not disagree about killing those who do this if they form a separate group. Repentance should be sought from them, and if they repent [well and good], otherwise they are to be killed. They only disagreed about an isolated individual who does this. . . . This is what Muhammad b. al-Mawwāz, ‘Abd al-Mālik b. Mājishūn and Imam Saḥnūn said concerning the Kharijites. The statement of Mālik in his *al-Muwatṭā* and the report narrated from ‘Umar b. ‘Abd al-‘Azīz explains,<sup>1</sup> ‘Repentance is to be sought from them. If they repent [well and good], otherwise they are to be killed’. Imam ‘Īsā narrates from Imam Ibn al-Qāsim, ‘If they repent [well and good], otherwise they should be killed’. Something similar was mentioned in *al-Mabsūṭ*. He said, ‘They are Muslims, but should be killed for their evil opinion’. This was the practice of ‘Umar b. ‘Abd al-‘Azīz. On the other hand, Ibn Ḥabīb and others amongst our companions [in the Mālikī legal school] saw that they should be charged with disbelief.

[. . .] The Prophet ﷺ called the Kharijites ‘the most evil of creation’, and this is the quality of the disbelievers. He ﷺ also said, ‘They are the most evil group under the heavens. Glad tidings to the one who kills them or the one killed by them’. He ﷺ also said, ‘So wherever you find them, slay them [through an operation] like the people of ‘Ād’. The apparent meaning of these statements is that they are disbelievers—especially in the light of their comparison to the people of ‘Ād. Those who believe that they should be charged with disbelief infer their position from this hadith. Those who adopt the opposing viewpoint retort, ‘That is only due to their having gone out against the Muslims and transgressed against them. This is indicated in the hadith itself: “They will kill the people

<sup>1</sup> An early sect that believed in absolute free will and that man is the creator of his own acts. ED.

of Islam. . . .” So their killing is a prescribed punishment and not because of their alleged disbelief. The mention of the people of ‘Ād is a simile which signifies killing them and its lawfulness, not the state of the one killed. Not everyone given a death sentence is charged with disbelief’. Furthermore [those who believe that the Kharijites are disbelievers infer their view] from the hadith, ‘They shall pass through the religion just as an arrow passes through a hunted game, never to return until an arrow returns to its bowstring’, and his saying, ‘It [the arrow] went too fast to be smeared with dung and blood’, which indicates that he had no connection with Islam at all.<sup>1</sup>

#### 16.1 THE TWO POSITIONS OF THE IMAMS ON THE DISBELIEF OF THE KHARIJITES

The Imams of hadith, jurisprudence and Quranic exegesis have generally presented two positions regarding the disbelief of the Kharijites. Ibn Taymiyya said:

إِنَّ الْأُمَّةَ مُتَّفِقُونَ عَلَى دَمِّ الْخَوَارِجِ وَتَضْلِيلِهِمْ، وَإِنَّمَا تَنَازَعُوا فِي تَكْفِيرِهِمْ عَلَى قَوْلَيْنِ مَشْهُورَيْنِ، فِي مَذْهَبِ مَالِكٍ وَأَحْمَدَ، وَفِي مَذْهَبِ الشَّافِعِيِّ أَيْضًا نِزَاعٌ فِي كُفْرِهِمْ وَلِهَذَا كَانَ فِيهِمْ قَوْلَانِ. أَحَدُهُمَا: أَنَّهُمْ كُفَّارٌ كَالْمُرْتَدِّينَ، وَمَنْ قُدِرَ عَلَيْهِ مِنْهُمْ أُسْتُتِيبَ فَإِنْ تَابَ وَإِلَّا قُتِلَ. وَالثَّانِي: أَنَّهُمْ بُعَاةٌ (وَلَا خِلَافَ فِي جَوَازِ قَتْلِهِمْ كَمَا ذُكِرَ مِنْ قَبْلُ).

The *Umma* is unanimous in its condemnation of the Kharijites and in declaring them misguided; their only contention was regarding whether they are charged with disbelief [or not]. There are two well-known opinions in the legal school of Mālik and Aḥmad concerning this, and there is also dispute about their disbelief in the legal school of al-Shāfi‘ī. For this reason, there are two opinions regarding them: [One] that they are disbelievers

<sup>1</sup> Qāḍī ‘Iyāḍ, *al-Shifā*, pp. 842–843.

like apostates, and that repentance is to be sought from whomever amongst them is apprehended; and if he repents [well and good], otherwise he is to be killed. [Two] that they are rebels (as was mentioned earlier; there is no disagreement that it is permissible to kill them).<sup>1</sup>

## 16.2 THE FIRST POSITION: THE KHARIJITES ARE DISBELIEVERS

A large group of scholars took the position that the Kharijites are disbelievers. They inferred their belief from numerous prophetic traditions about the Kharijites, most of which we have mentioned earlier, such as the Prophet's statement ﷺ,

سَيَخْرُجُ قَوْمٌ فِي آخِرِ الزَّمَانِ. أَخَذَاتُ الْأَسْنَانِ، سَفَهَاءُ الْأَخْلَامِ. يَقُولُونَ مِنْ خَيْرِ قَوْلِ الْبَرِيَّةِ. لَا يُجَاوِزُ إِيْمَانُهُمْ حَنَاجِرَهُمْ. يَمْرُقُونَ مِنَ الدِّينِ كَمَا يَمْرُقُ السَّهْمُ مِنَ الرَّمِيَّةِ، فَأَيْنَمَا لَقِيتُمُوهُمْ فَأَقْتُلُوهُمْ، فَإِنَّ فِي قَتْلِهِمْ أَجْرًا لِمَنْ قَتَلَهُمْ يَوْمَ الْقِيَامَةِ.

‘At the end of time there shall appear a folk, young in age and foolish. They will speak the words of the best of people, but they shall pass through Islam just as an arrow passes through a hunted game. Wherever you encounter them, kill them [following the legal procedure], for killing them will be rewarded [by God] on the Day of Resurrection’.<sup>2</sup>

Here, the prophetic command to kill them and the mention of Divine reward establish that the Kharijites are disbelievers. Another proof for this position is the narration of Sufyān b. ‘Uyayna who reported from Abū Ghālib that Abū Umāma رضي الله عنه said,

<sup>1</sup> Ibn Taymiyya, *Majmū‘a al-fatāwā*, 28:518.

<sup>2</sup> Narrated by al-Bukhārī in *al-Shaḥīḥ: Kitāb istitāba al-murtaddīn wa al-mu‘ānidīn wa qitālihim* [The Book on Demanding the Repentance of the Apostates and Reprobates, and Fighting Them], chapter: ‘On Fighting the Kharijites and the Heretics after Establishing the Evidence against Them’, 6:2539 §6531; Muslim in *al-Shaḥīḥ: Kitāb al-Zakāt* [The Book of Zakat], chapter: ‘The Encouragement to Kill the Kharijites’, 2:746 §1066; and al-Tirmidhī in *al-Sunan: Kitāb al-ḥitān* [The Book of Tribulations], chapter: ‘Concerning the Trait of Renegades [*al-māriqā*], 4:481 §2188.

شَرُّ قَتْلَى قُتِلُوا تَحْتَ أَدِيمِ السَّمَاءِ، وَخَيْرُ قَتِيلٍ مَنْ قَتَلُوا. كِلَابُ أَهْلِ النَّارِ، قَدْ كَانَ هَؤُلَاءِ مُسْلِمِينَ فَصَارُوا كُفَّارًا.

‘They are the most evil of those slain under the heavens, and the best of those killed is the one whom they kill. They are the dogs of Hell; they were Muslims and then [due to rebellion and revolt] became disbelievers’.<sup>1</sup>

This narration is explicit, for it states that the Kharijites were previously Muslims, and then became disbelievers due to their self-made false beliefs.

### 16.2.1 IMAM AL-BUKHĀRĪ’S POSITION

The great scholar of hadith, Imam al-Bukhārī, penned a chapter in his *Ṣaḥīḥ* collection in which he sought to prove that the Kharijites are disbelievers. Ibn Ḥajar al-‘Asqalānī commented:

جُمْلَةٌ مِنَ الْعُلَمَاءِ الَّذِينَ قَالُوا بِتَكْفِيرِ الْخَوَارِجِ كَالْبُخَارِيِّ، حَيْثُ قَرَنَهُمْ بِالْمُرْتَدِّينَ وَأَفْرَدَ عَنْهُمْ الْمُتَأَوِّلِينَ بِتَرْجَمَةٍ قَالَ فِيهِ: بَابٌ مَنْ تَرَكَ قِتَالَ الْخَوَارِجِ لِلتَّأَلُّفِ وَلِتَلَا يَنْفِرَ النَّاسُ عَنْهُ.

A large body of scholars said that the Kharijites are to be charged with disbelief, such as al-Bukhārī, who compared them to apostates and heretics, and only singled out individuals [amongst them] who were subject to faulty interpretations, mentioning them in a separate chapter: ‘On the One Who Refrains from Fighting the Kharijites for the Sake of Drawing Hearts Near and so People Will Not Flee’.<sup>2</sup>

### 16.2.2 IMAM IBN JARĪR AL-ṬABARĪ’S POSITION

The early Qur’ānic exegete and historian, Imam al-Ṭabarī, said:

إِنَّهُ لَا يَجُوزُ قِتَالُ الْخَوَارِجِ وَقَتْلُهُمْ إِلَّا بَعْدَ إِقَامَةِ الْحُجَّةِ عَلَيْهِمْ، بِدُعَائِهِمْ إِلَى الرُّجُوعِ

<sup>1</sup> Narrated by Ibn Mājah in *al-Sunan*: ‘Introduction’, section: ‘Mention of the Kharijites’, 1:62 §176.

<sup>2</sup> Ibn Ḥajar al-‘Asqalānī, *Fath al-Bārī*, 12:313.



إِلَى الْحَقِّ، وَالْإِعْذَارَ إِلَيْهِمْ، وَإِلَى ذَلِكَ أَشَارَ الْبُخَارِيُّ فِي التَّرْجَمَةِ بِالْآيَةِ الْمَذْكُورَةِ فِيهَا، وَاسْتَدَلَّ بِهِ لِمَنْ قَالَ بِتَكْفِيرِ الْخَوَارِجِ، وَهُوَ مُقْتَضَى صَنِيعِ الْبُخَارِيِّ، حَيْثُ قَرَنَهُمْ بِالْمُلْحِدِينَ، وَأَفْرَدَ عَنْهُمْ الْمُتَأَوِّلِينَ بِتَرْجَمَةٍ.

It is impermissible to fight or kill the Kharijites before the evidence is established against them by inviting them to return to the truth and warning them. This was alluded to by al-Bukhārī in his chapter heading in which he mentioned the aforementioned verse. This is the proof used by those who believe that the Kharijites are to be charged with disbelief—and that is the implication of al-Bukhārī's action, for he compared them to heretics and singled out individuals [amongst them] who were subject to faulty interpretations, mentioning them in a separate chapter.<sup>1</sup>

Ibn Ḥajar al-ʿAsqalānī explained al-Ṭabarī's viewpoint, commenting:

مَنْ جَنَحَ إِلَى بَعْضِ هَذَا الْبَحْثِ: الطَّبْرِيُّ فِي تَهْدِيئِهِ، فَقَالَ بَعْدَ أَنْ سَرَدَ أَحَادِيثَ الْبَابِ: فِيهِ الرَّدُّ عَلَى قَوْلِ مَنْ قَالَ: لَا يَخْرُجُ أَحَدٌ مِنَ الْإِسْلَامِ مِنْ أَهْلِ الْقِبْلَةِ بَعْدَ اسْتِحْقَاقِهِ حُكْمَهُ، إِلَّا بِقَصْدِ الْخُرُوجِ مِنْهُ عَالِمًا، فَإِنَّهُ مُبْطَلٌ لِقَوْلِهِ فِي الْحَدِيثِ: يَقُولُونَ الْحَقَّ، وَيَقْرَأُونَ الْقُرْآنَ، وَيَمْرُقُونَ مِنَ الْإِسْلَامِ، وَلَا يَتَعَلَّقُونَ مِنْهُ بِشَيْءٍ.

Al-Ṭabarī was of those who inclined to some of the views presented here. He said in *al-Tahdhīb*, after having mentioned some of the same hadith in this chapter: 'This is a refutation of those who said that no one can leave the fold of Islam from the people of the *qibla*, after its ruling is established for him, except with his full knowledge and intent. This contradicts [the Prophet's] saying in the hadith, "They will speak the truth and recite the Qur'ān, but they will exit from Islam and grasp nothing of it".'<sup>2</sup>

<sup>1</sup> Ibid., 12:299.

<sup>2</sup> Ibid., 12:300.

### 16.2.3 IMAM ABŪ ḤĀMID AL-GHAZĀLĪ'S POSITION

The Proof of Islam, Imam Abū Ḥāmid al-Ghazālī, held that the Kharijites are disbelievers. Ibn Ḥajar al-ʿAsqalānī said,

قَالَ الْغَزَالِيُّ فِي "الْوَسِيطِ": تَبَعًا لِغَيْرِهِ فِي حُكْمِ الْخَوَارِجِ وَجْهَانِ، أَحَدُهُمَا: أَنَّهُ كَحُكْمِ أَهْلِ الرُّدَّةِ، وَالثَّانِي: أَنَّهُ كَحُكْمِ أَهْلِ الْبَغْيِ، وَرَجَحَ الرَّافِعِيُّ الْأَوَّلَ.

‘In *al-Wasīt*, al-Ghazālī said (following others): There are two positions regarding the judgment on Kharijites: “They take the ruling of apostates or the ruling of rebels”, and al-Rāfiʿī declared the first view preponderant’.<sup>1</sup>

### 16.2.4 AL-QĀḌĪ ABŪ BAKR IBN AL-ʿARABĪ'S POSITION

Al-Qāḍī Abū Bakr Muhammad b. ʿAbd Allāh b. al-ʿArabī al-Mālikī is considered one of the most prominent Islamic scholars of Andalusia. He obtained his learning from eminent scholars like Imam al-Ghazālī and wrote *ʿĀridat al-aḥwadhī*, a magisterial commentary on al-Tirmidhī's collection. Ibn Ḥajar mentioned that he also believed that the Kharijites were disbelievers:

بِذَلِكَ صَرَّحَ الْقَاضِي أَبُو بَكْرُ بْنُ الْعَرَبِيِّ فِي شَرْحِ التِّرْمِذِيِّ فَقَالَ: الصَّحِيحُ أَنَّهُمْ كُفَّارٌ لِقَوْلِهِ ﷺ: يَمْرُقُونَ مِنَ الْإِسْلَامِ وَلِقَوْلِهِ: لَا أَقْتُلُهُمْ قَتْلَ عَادٍ، وَفِي لَفْظٍ: قَتَلَ ثَمُودَ، وَكُلٌّ مِنْهُمَا إِنَّمَا هَلَكَ بِالْكُفْرِ، وَيَقُولُ: هُمْ شَرُّ الْخَلْقِ وَلَا يُوصَفُ بِذَلِكَ إِلَّا الْكُفَّارُ، وَلِقَوْلِهِ: إِنَّهُمْ أَبْغَضُ الْخَلْقِ إِلَى اللَّهِ تَعَالَى، وَلِحُكْمِهِمْ عَلَى كُلِّ مَنْ خَالَفَ مُعْتَقَدَهُمْ بِالْكُفْرِ وَالتَّخْلِيدِ فِي النَّارِ، فَكَانُوا هُمْ أَحَقَّ بِالْإِسْمِ مِنْهُمْ.

This was explicitly stated by al-Qāḍī Abū Bakr b. al-ʿArabī in his commentary on al-Tirmidhī's [collection]. He said, ‘The correct position is that they are disbelievers, due to the Prophet’s statements ﷺ, “They shall pass through Islam” and “I would slay them like the people of ʿĀd”, and in another wording, “like the people of Thamūd”. Both ʿĀd and Thamūd were destroyed because of disbelief. The Prophet ﷺ also said, “They are the worst

<sup>1</sup> Ibn Ḥajar al-ʿAsqalānī, *Fath al-Bārī*, 12:285.

of creation”, and none but the disbelievers are described like that. He also said, “They are the most detested of creation in the sight of God Most High”. And because they ruled that everyone who opposed their belief was guilty of disbelief and would abide eternally in the Fire, they were more deserving of that than those whom they charged’.<sup>1</sup>

### 16.2.5 QĀDĪ ‘IYĀD’S POSITION

Qāḍī ‘Iyāḍ, the renowned author of *al-Shifā*, one of the most famous and authentic books detailing the exalted rank of the Prophet Muhammad ﷺ, was also of the opinion that the Kharijites are disbelievers. He said in his commentary on *Ṣaḥīḥ Muslim*:

قَالَ بَعْضُ شُيُوخِنَا: قَالَ أَبُو سَعِيدٍ الْخُدْرِيُّ (رَضِيَ اللَّهُ عَنْهُ): سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: يَخْرُجُ فِي هَذِهِ الْأُمَّةِ - وَلَمْ يَقُلْ مِنْهَا - قَوْمٌ تَحْقِرُونَ صَلَاتَكُمْ مَعَ صَلَاتِهِمْ. قَالَ الْإِمَامُ (الْمَازِرِيُّ وَنَقَلَهُ النَّوَوِيُّ): هَذَا مِنْ أَدَلِّ الشُّوَاهِدِ عَلَى سَعَةِ فِيهِ الصَّحَابَةِ (رَضِيَ اللَّهُ عَنْهُمْ) وَتَحْرِيرِهِمُ الْأَلْفَاظَ وَفَرَقِهِمُ بَيْنَ مَدْلُولَاتِهَا الْخَفِيَّةِ لِأَنَّ لَفْظَةَ “مِنْ” تَقْتَضِي كَوْنَهُمْ مِنَ الْأُمَّةِ لَا كُفَّارًا بِخِلَافِ “فِي”، وَفِي تَنْبِيهِ الْخُدْرِيِّ عَلَى التَّفْرِيقِ بَيْنَ “فِي” وَ “مِنْ” إِشَارَةً حَسَنَةً إِلَى الْقَوْلِ بِتَكْفِيرِ الْخَوَارِجِ، لِأَنَّهُ أَفْهَمُ، بَأَنَّهُ لَمَّا لَمْ يَقُلْ مِنْهَا، دَلَّ عَلَى أَنَّهُمْ لَيْسُوا مِنْ أُمَّةٍ مُحَمَّدٍ (ﷺ)، وَإِنْ كَانَ قَدْ رَوَى أَبُو ذَرٍّ بَعْدَ هَذَا فَقَالَ: قَالَ ﷺ: إِنَّ مِنْ بَعْدِي مِنْ أُمَّتِي، أَوْ سَيَكُونُ مِنْ بَعْدِي مِنْ أُمَّتِي الْحَدِيثُ. وَفِي رَوَايَةٍ عَلَيَّ (رَضِيَ اللَّهُ عَنْهُ): يَخْرُجُ مِنْ أُمَّتِي.

Some of our teachers reported, ‘Abū Sa‘īd al-Khudrī (رَضِيَ اللَّهُ عَنْهُ) said, “I heard the Messenger of God ﷺ say, ‘There shall appear a folk *in* this *Umma*’, and he did not say ‘*from* it’, ‘and you will belittle your prayers in comparison to theirs. . . .’” The Imam [al-Māzīrī] said [and Imam al-Nawawī has quoted it], ‘This is one of the most telling testimonies to the deep understanding of the Companions and their exactitude in words and discrimination between

<sup>1</sup> Ibid., 12:299.

subtle indications. That is because the expression “from” implies that they are from the *Umma* and not disbelievers, contrary to the expression “in”. Al-Khudrī’s notice regarding the distinction between “from” and “in” is a fine allusion to the view that the Kharijites are to be charged with disbelief, because he explained that since he ﷺ did not say “from the *Umma*”, it indicates that they are not from the *Umma* of Muhammad ﷺ—even though Abū Dharr narrated after this statement: “He ﷺ said, ‘Indeed there shall be some from my *Umma* after me’ or ‘There shall be some from my *Umma* after me’.” And in the narration of ‘Alī رضي الله عنه it reads, “There shall appear from my *Umma*”.<sup>1</sup>

Seeking to reconcile between these two seemingly contradictory narrations, Ibn Ḥajar said, ‘This hadith is reconciled with Abū Sa‘īd’s by stating that the meaning of *Umma* in the hadith of Abū Sa‘īd is the *Umma* of Response, and the meaning of *Umma* in the others’ narrations is the *Umma* of Invitation’.<sup>2</sup>

It should be kept in mind that the *Umma* of Response is the Muslim *Umma* proper, whereas the *Umma* of Invitation is all of humanity to whom the Prophet ﷺ brought his message, whether they accept it or not. Imam al-Nawawī explained further:

فِيهِ إِشَارَةٌ مِنْ أَبِي سَعِيدٍ إِلَى تَكْفِيرِ الْخَوَارِجِ، وَأَنَّهُمْ مِنْ غَيْرِ هَذِهِ الْأُمَّةِ، وَفِي حَدِيثِ الْخَوَارِجِ مِنْ أَخْبَارِهِ عَلَيْهِ السَّلَامُ عَنْ الْغُيُوبِ مَا يَعْظُمُ مَوْقِعُهُ، مِنْهَا: إِشَارَتُهُ ﷺ إِلَى مَا يَكُونُ بَعْدَهُ مِنْ اخْتِلَافِ الْأُمَّةِ فِي تَكْفِيرِهِمْ.

In this hadith there is an allusion from Abū Sa‘īd al-Khudrī that the Kharijites are to be charged with disbelief and that they are not from this *Umma*. And the hadith about the Kharijites contains news of the unseen from the Prophet ﷺ regarding momentous events, such as his allusion to the disagreement the *Umma* would have about charging them [the Kharijites] with disbelief.<sup>3</sup>

<sup>1</sup> Qāḍī ‘Iyāḍ, *Ikmāl al-mu‘lim bi fawā'id Muslim*, 3:612.

<sup>2</sup> Ibn Ḥajar al-‘Asqalānī, *Fath al-Bārī*, 12:289.

<sup>3</sup> Ibid.

### 16.2.6 IMAM AL-QURṬUBĪ'S POSITION

Imam Abū al-ʿAbbās Aḥmad b. ʿUmar b. Ibrāhīm al-Anṣārī al-Qurṭubī al-Mālikī was one of the eminent Islamic scholars of Córdoba. Although famous for his Qurʾānic exegesis, he was also the author of an authoritative and oft-quoted commentary on *Ṣaḥīḥ Muslim*. In it, he declared the Kharijites disbelievers.

قَوْلُ الْقَائِلِ فِي قِسْمَةِ النَّبِيِّ ﷺ: "هَذِهِ قِسْمَةٌ مَا أُرِيدَ بِهَا وَجْهُ اللَّهِ، أَوْ: مَا عُدِلَ فِيهَا"، قَوْلُ جَاهِلٍ بِحَالِ النَّبِيِّ ﷺ غَلِيظُ الطَّبَعِ، حَرِيصٌ، مُنَافِقٌ. وَكَانَ حَقُّهُ أَنْ يُقْتَلَ؛ لِأَنَّهُ آذَى رَسُولَ اللَّهِ ﷺ، وَقَدْ قَالَ اللَّهُ تَعَالَى: ﴿وَالَّذِينَ يُؤْذُونَ رَسُولَ اللَّهِ لَهُمْ عَذَابٌ أَلِيمٌ﴾. فَالْعَذَابُ فِي الدُّنْيَا هُوَ: الْقَتْلُ، لَكِنْ لَمْ يَقْتُلْهُ النَّبِيُّ ﷺ لِلمَعْنَى الَّتِي قَالَهُ، وَهُوَ مِنْ حَدِيثِ جَابِرٍ: لَا يَتَحَدَّثُ النَّاسُ: أَنَّ مُحَمَّدًا يَقْتُلُ أَصْحَابَهُ، وَلِهَذَا الْعِلَّةُ امْتَنَعَ النَّبِيُّ ﷺ مِنْ قَتْلِ الْمُنَافِقِينَ، مَعَ عِلْمِهِ بِأَعْيَانِ كَثِيرٍ مِنْهُمْ، وَبِنَفَائِهِمْ. وَقَدْ أُمِنْتَ تِلْكَ الْعِلَّةُ بَعْدَ رَسُولِ اللَّهِ ﷺ، فَلَا نِفَاقَ بَعْدَهُ، وَإِنَّمَا هُوَ الزُّنْدَقَةُ، وَهَذَا هُوَ الْحَقُّ وَالصَّوَابُ.

The statement of the one who said when the Prophet ﷺ was apportioning the war booty, 'This apportioning is not for the sake of God', or 'is unjust', is the statement of one ignorant of the Prophet's state ﷺ. It is the statement of one who is coarse in nature, covetous and a hypocrite. He deserved to be put to death because he annoyed the Messenger of God, and God Most High said, '*And those who annoy the Messenger of God will have a painful punishment*'.<sup>1</sup> The punishment in this life is death; however, the Prophet ﷺ did not kill him for the reason mentioned in the hadith of Jābir, 'Lest the people say that Muhammad kills his Companions'. This is the rationale for the Prophet prohibiting the killing of the hypocrites, even though he knew the identities and hypocrisy of many of them. That rationale no longer applies after the

<sup>1</sup> Qurʾān 9:61.

Messenger of God ﷺ. There is no hypocrisy after him; only heresy—and this is the truth and what is correct.<sup>1</sup>

In the light of the aforementioned Qur'ānic verse, annoying the Messenger of God ﷺ is an act of blasphemy, which some scholars held was enough to charge the Kharijites with disbelief. Elsewhere, al-Qurṭubī said:

لَئِنْ أَدْرَكْتَهُمْ لَأَقْتُلَنَّاهُمْ قَتْلَ عَادٍ، وَفِي الْأُخْرَى: قَتَلَ ثَمُودَ، وَمَعْنَى هَذَا: لَئِنْ أَدْرَكْتَهُمْ لَيَقْتُلَنَّاهُمْ قَتْلًا عَامًّا، بِحَيْثُ لَا يُبْقِي مِنْهُمْ أَحَدًا فِي وَقْتٍ وَاحِدٍ، لَا يُؤَخَّرُ قَتْلُ بَعْضِهِمْ عَنْ بَعْضٍ، وَلَا يُقْبَلُ أَحَدًا مِنْهُمْ، كَمَا فَعَلَ اللَّهُ بِعَادٍ؛ حَيْثُ أَهْلَكَهُمْ بِالرِّيحِ الْعَقِيمِ، وَبِثَمُودَ حَيْثُ أَهْلَكَهُمُ بِالصَّيْحَةِ. قُلْتُ: وَمَقْصُودُ هَذَا التَّمْثِيلِ: أَنَّ هَذِهِ الطَّائِفَةَ خَرَجَتْ مِنْ دِينِ الْإِسْلَامِ، وَلَمْ يَتَعَلَّقْ بِهَا مِنْهُ شَيْءٌ، كَمَا خَرَجَ هَذَا السَّهْمُ مِنْ هَذِهِ الْمَرْمِيَةِ الَّذِي لِشِدَّةِ التَّنْزِعِ، وَسُرْعَةِ السَّهْمِ، سَبَقَ خُرُوجُهُ خُرُوجَ الدَّمِ، بِحَيْثُ لَا يَتَعَلَّقُ بِهِ شَيْءٌ ظَاهِرٌ، كَمَا قَالَ: سَبَقَ الْفَرْثُ وَالْدَّمَ. وَظَاهِرُ هَذَا التَّشْبِيهِ تَمَسُّكُ مَنْ حَكَمَ بِتَكْفِيرِهِمْ مِنْ أَيْمَتِنَا، وَقَدْ تَوَقَّفَ فِي تَكْفِيرِهِمْ كَثِيرٌ مِنَ الْعُلَمَاءِ لِقَوْلِهِ ﷺ: فَيَتَمَارَى فِي الْفُوقِ، وَهَذَا يَقْضِي بَأَنَّهُ يَشْكُ فِي أَمْرِهِمْ فَيَتَوَقَّفُ فِيهِمْ، وَكَانَ الْقَوْلُ الْأَوَّلُ أَيْ بِالتَّكْفِيرِ، أَظْهَرَ مِنَ الْحَدِيثِ.

[The Prophet's ﷺ statement,] 'If I were to encounter them I would slay them like the people of 'Ād', and in another wording, 'like the people of Thamūd', means that if he were to encounter them he would kill them all, in the sense that not a single one of them would remain at one given time, and none of them would be left for another day—just as God dealt with 'Ād, destroying them with a grievous wind, and destroying Thamūd with the dreadful shriek. I say: The intent behind this simile is that this group has left the religion of Islam and are not connected with it in any way, just as this arrow exited from that hunted game which, due to the severity of its draw and its speed, exited [the body] before blood came out and

<sup>1</sup> Muhammad al-Qurṭubī, *al-Mufhim*, 3:107.

nothing was attached to it. This is just as he said, ‘too fast to be smeared with blood or dung’. Our imams who ruled that the Kharijites are to be charged with disbelief held to the import of this simile, although many scholars hesitated in charging them with disbelief due to the Prophet’s saying ﷺ [at the end of the aforementioned hadith], ‘It is doubtful that anything will hang on to it’, which implies that there is a degree of doubt regarding them, and thus there is hesitation with respect to their ruling. It seems that the first view, that of charging them with disbelief, is more apparent in the hadith.<sup>1</sup>

Ibn Hajar al-‘Asqalānī commented on al-Qurṭubī’s words:

يُؤَيِّدُ الْقَوْلَ بِتَكْفِيرِهِمُ التَّمَثِيلُ الْمَذْكُورَ فِي حَدِيثِ أَبِي سَعِيدٍ، فَإِنَّ ظَاهِرَ مَقْصُودِهِ أَنَّهُمْ خَرَجُوا مِنَ الْإِسْلَامِ، وَلَمْ يَتَعَلَّقُوا مِنْهُ بِشَيْءٍ، كَمَا خَرَجَ السَّهْمُ مِنَ الرَّمِيَّةِ لِسُرْعَتِهِ وَقُوَّةِ رَامِيهِ، بَحِثُ لَمْ يَتَعَلَّقْ مِنَ الرَّمِيَّةِ بِشَيْءٍ.

The simile within the hadith of Abū Sa‘īd supports the view that they are to be charged with disbelief, for its apparent meaning is that they have left the fold of Islam and have no connection with it whatsoever, just as an arrow exits from a hunted game due to its speed and the strength of the archer, leaving no trace of the game on it.<sup>2</sup>

#### 16.2.7 SHAYKH IBN TAYMIYYA’S POSITION

Shaykh Ibn Taymiyya believed that the Kharijites were disbelievers. Writing about their emergence, beliefs and appearance, he said:

الْمَقْصُودُ هُنَا أَنَّ الْخَوَارِجَ ظَهَرُوا فِي الْفِتْنَةِ، وَكَفَرُوا عُمَانًا وَعَلِيًّا ﷺ وَمَنْ وَالَاهُمَا. . . . وَكَانُوا كَمَا وَصَفَهُمُ النَّبِيُّ ﷺ: يَقْتُلُونَ أَهْلَ الْإِسْلَامِ وَيَدْعُونَ أَهْلَ الْأَوْثَانِ. وَكَانُوا أَعْظَمَ النَّاسِ صَلَاةً وَصِيَامًا وَقِرَاءَةً، كَمَا قَالَ النَّبِيُّ ﷺ: يَخْقِرُ أَحَدُكُمْ صَلَاتَهُ مَعَ صَلَاتِهِمْ، وَصِيَامَهُ مَعَ صِيَامِهِمْ، وَقِرَاءَتَهُ مَعَ قِرَاءَتِهِمْ، يَقْرَأُونَ الْقُرْآنَ لَا يُجَاوِزُ

<sup>1</sup> Ibid., 3:110.

<sup>2</sup> Ibn Hajar al-‘Asqalānī, *Fath al-Bārī*, 12:300.

حَنَاجِرُهُمْ، يَمْرُقُونَ مِنَ الْإِسْلَامِ كَمَا يَمْرُقُ السَّهْمُ مِنَ الرَّمِيَةِ. وَمُرُوقُهُمْ مِنْهُ: خُرُوجُهُمْ،  
بِاسْتِحْلَالِهِمْ دِمَاءَ الْمُسْلِمِينَ وَأَمْوَالَهُمْ. فَإِنَّهُ قَدْ ثَبَتَ عَنْهُ ﷺ فِي الصَّحِيحِ، أَنَّهُ ﷺ  
قَالَ: الْمُسْلِمُ مَنْ سَلِمَ الْمُسْلِمُونَ مِنْ لِسَانِهِ وَيَدِهِ. . . . وَهُمْ بَسَطُوا فِي الْمُسْلِمِينَ  
أَيْدِيَهُمْ وَأَلْسِنَتَهُمْ فَخَرَجُوا مِنْهُ (أَيِ مِنَ الْإِسْلَامِ).

The point here is to state that the Kharijites emerged during a time of tribulation and declared ‘Uthmān and ‘Alī disbelievers, as well as those who allied with them. . . . As the Prophet ﷺ described them, they would ‘kill the people of Islam and leave the idol worshippers’. The Prophet ﷺ said they were the most assiduous of people when it came to prayers, fasting and recitation: ‘You will consider your prayers, fasting and recitation insignificant in comparison to theirs. They shall recite the Qur’ān but it will not pass their throats. They shall exit from Islam just as an arrow exits a hunted game’. Their ‘exiting’ from it means their leaving it due to their belief that it is lawful to shed the blood of the Muslims and seize their wealth. It is established in the rigorously authentic collection [of al-Bukhārī] that he ﷺ said, ‘The Muslim is he from whose tongue and hand the Muslims are safe’ . . . and they [on the other hand] extended their hands, harming the Muslims with their hands [through armed struggle and terrorist activities] and tongues [declaring them infidels], and so they left it [i.e., Islam].<sup>1</sup>

### 16.2.8 IMAM TAQĪ AL-DĪN AL-SUBKĪ’S POSITION

Imam Taqī al-Dīn Abū al-Ḥasan ‘Alī b. ‘Abd al-Kāfī al-Subkī was one of the eminent latter-day scholars and jurists and author of *Shifā al-siqām*, a well-known book about seeking means through the person of the Prophet ﷺ and undertaking journeys to visit him at his tomb. In his collection of formal legal verdicts, he declared the Kharijites disbelievers. Ibn Ḥajar al-‘Asqalānī said:

<sup>1</sup> Ibn Taymiyya, *al-Nubuwwāt*, p. 225.



مِمَّنْ جَنَحَ إِلَى ذَلِكَ مِنْ أُنَمَّةِ الْمَتَأَخِّرِينَ الشَّيْخُ تَقِيُّ الدِّينِ السُّبْكِيُّ فَقَالَ فِي فَتَاوَيْهِ:  
اِحْتَجَّ مَنْ كَفَرَ الْخَوَارِجَ وَغُلَاةَ الرِّوَافِضِ بِتَكْفِيرِهِمْ أَعْلَامَ الصَّحَابَةِ لِتَضَمُّنِهِ تَكْذِيبَ  
النَّبِيِّ ﷺ فِي شَهَادَتِهِ لَهُمْ بِالْجَنَّةِ، قَالَ: وَهُوَ عِنْدِي احْتِجَاجٌ صَحِيحٌ.

Shaykh Taqī al-Dīn al-Subkī was of the latter-day imams who inclined to that view. He said in his collection of legal verdicts, ‘Those who charged the Kharijites and the extremist Shiites with disbelief argued that they were disbelievers because they charged the notable Companions with disbelief, for that entails belying the Prophet ﷺ in his testimony that they are in Paradise. And as I see it, this argument is valid’.<sup>1</sup>

It should be pointed out that someone can be from the Kharijites without necessarily charging the Companions with disbelief. The great Ḥanafī jurist, Ibn ‘Ābidīn al-Shāmī stated,

يُكْفَرُونَ أَصْحَابَ نَبِيِّنَا ﷺ، عَلِمْتُ أَنَّ هَذَا غَيْرُ شَرْطٍ فِي مُسَمًّى الْخَوَارِجِ، بَلْ  
هُوَ بَيَانٌ لِمَنْ خَرَجُوا عَلَى سَيِّدِنَا عَلِيٍّ ﷺ، وَإِلَّا فَيَكْفِي فِيهِمْ اِعْتِقَادُهُمْ كُفْرَ مَنْ  
خَرَجُوا عَلَيْهِ.

‘They charged the Companions of our Prophet ﷺ with disbelief; but you should know that this is not a prerequisite for the term Kharijite; rather, it is but an explanation regarding those who rebelled against our master ‘Alī ﷺ. Otherwise, it suffices that they believe the one whom they rebel against is a disbeliever’.<sup>2</sup>

### 16.2.9 IMAM ABŪ IṢHĀQ AL-SHĀṬIBĪ’S POSITION

The great jurist and legal theorist of the Mālikī school, Imam al-Shāṭibī, said about the Kharijites:

أَلَا تَرَى أَنَّ الْخَوَارِجَ كَيْفَ خَرَجُوا عَنِ الدِّينِ كَمَا يَخْرُجُ الصَّيِّدُ الْمَرْمِي؟

<sup>1</sup> Ibn Ḥajar al-‘Asqalānī, *Fath al-Bārī*, 12:299–300.

<sup>2</sup> Ibn ‘Ābidīn, *Radd al-muḥtār*, 4:262.

لَأَنَّ رَسُولَ اللَّهِ ﷺ وَصَفَهُمْ بِأَنَّهُمْ يَقْرُءُونَ الْقُرْآنَ لَا يُجَاوِزُ تَرَاقِيهِمْ، أَنَّهُمْ لَا يَتَفَقَّهُونَ بِهِ حَتَّى يَصِلَ إِلَى قُلُوبِهِمْ. . . . فَإِنَّهُ إِذَا عَرَفَ الرَّجُلُ فِيمَا نَزَلَتِ الْآيَةُ، أَوِ السُّورَةُ عَرَفَ مَخْرَجَهَا وَتَأْوِيلَهَا وَمَا قَصَدَ بِهَا، . . . وَإِذَا جَهِلَ فِيمَا أُنْزِلَتْ احْتَمَلَ النَّظَرُ فِيهَا أَوْجَهَا. . . . وَلَيْسَ عِنْدَهُمْ مِنَ الرُّسُوحِ فِي الْعِلْمِ، مَا يَهْدِيهِمْ إِلَى الصَّوَابِ أَوْ يَقِفُ بِهِمْ دُونَ افْتِحَامِ حِمَى الْمَشْكَلَاتِ. فَلَمْ يَكُنْ بُدٌّ مِنَ الْأَخْذِ بِبَادِي الرَّأْيِ أَوِ التَّأْوِيلِ بِالتَّخْرُصِ الَّذِي لَا يُغْنِي مِنَ الْحَقِّ شَيْئًا إِذْ لَا دَلِيلَ عَلَيْهِ مِنَ الشَّرِيعَةِ فَضَلُّوا وَأَضَلُّوا.

وَمِمَّا يُوَضِّحُ ذَلِكَ مَا خَرَجَهُ ابْنُ وَهْبٍ عَنْ بُكَيْرٍ أَنَّهُ سَأَلَ نَافِعًا: كَيْفَ رَأَى ابْنُ عُمَرَ فِي الْحُرُورِيَّةِ؟ قَالَ: يَرَاهُمْ شِرَارَ خَلْقٍ اللَّهُ. إِنَّهُمْ انْطَلَقُوا إِلَى آيَاتِ أَنْزَلَتْ فِي الْكُفَّارِ فَجَعَلُوهَا عَلَى الْمُؤْمِنِينَ. فَسَرَّ سَعِيدُ بْنُ جُبَيْرٍ مِنْ ذَلِكَ، فَقَالَ: مِمَّا يَتَّبِعُ الْحُرُورِيَّةَ مِنَ الْمُتَشَابِهِ قَوْلُ اللَّهِ تَعَالَى: ﴿وَمَنْ لَّمْ يَحْكَمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْكَافِرُونَ﴾. وَيَقْرَنُونَ مَعَهَا: ﴿ثُمَّ الَّذِينَ كَفَرُوا بِرَبِّهِمْ يَعْدِلُونَ﴾. رَأَوْا الْإِمَامَ يَحْكُمُ بِغَيْرِ الْحَقِّ. قَالُوا: قَدْ كَفَرَ وَمَنْ كَفَرَ عَدَلَ بِرَبِّهِ فَقَدْ أَشْرَكَ فَهَذِهِ الْأُمَّةُ مُشْرِكُونَ، فَيَخْرُجُونَ، فَيَقْتُلُونَ، مَا رَأَيْتُ لِأَنَّهُمْ يَتَأَوَّلُونَ هَذِهِ الْآيَةَ. فَهَذَا مَعْنَى الرَّأْيِ الَّذِي نَبَّهَ عَلَيْهِ ابْنُ عَبَّاسٍ وَهُوَ النَّاشِئُ عَنِ الْجَهْلِ بِالْمَعْنَى الَّذِي نَزَلَ فِيهِ الْقُرْآنُ. وَقَالَ نَافِعٌ: إِنَّ ابْنَ عُمَرَ رَضِيَ اللَّهُ عَنْهُ كَانَ إِذَا سُئِلَ عَنِ الْحُرُورِيَّةِ، قَالَ: يُكْفَرُونَ الْمُسْلِمِينَ وَيَسْتَحِلُّونَ دِمَاءَهُمْ وَأَمْوَالَهُمْ.

Do you not see how the Kharijites exited from the religion just as an arrow exits from a hunted game? That is because the Messenger of God ﷺ described them, saying that they will recite the Qur'ān but it will not pass their throats; that is because they do not gain a deep understanding of it, which would allow it to reach their hearts. . . . So when someone knows the circumstances behind the revelation of a Qur'ānic verse, or the chapter, he will know its context, interpretation and what was meant by it. . . . [A]nd when he is ignorant of the circumstances behind its revelation,

the mind will consider multiple possibilities. They do not have grounding in knowledge that would guide them to what is correct or prevent them from trespassing beyond the boundaries of problematic areas. For that reason it is inevitable that a shallow opinion is taken or that there is a baseless interpretation founded on conjecture that does not suffice for the truth, for there is no evidence in support of it in the Sacred Law. As a consequence of this, they went astray and led others astray.

This is further explained by the report narrated by Wahb from Bukayr, who mentioned that he asked Nāfi<sup>ؓ</sup>, ‘What was Ibn ‘Umar’s view regarding the Ḥarūriyya?’ Nāfi<sup>ؓ</sup> replied, ‘He believed that they were the worst of God’s creation. They took the verses revealed about the disbelievers and applied them to the believers’. Sa‘īd b. Jubayr explained that and said, ‘Of the ambiguous verses that the Ḥarūriyya follow is God’s words: *‘And whoever does not judge by what God has revealed, then they are the disbelievers’* [Qur’ān 5:44], juxtaposed with the verse, *‘Yet those who disbelieve hold others as equal with their Lord’* [Qur’ān 6:1]. When they see the ruler judge unjustly they proclaim, “He has disbelieved, and whoever disbelieves has held [himself] equal with his Lord and is therefore an idolater, hence the *Umma*, too, are idolaters!” Then they revolt and kill. As far as I see it, it is because they [falsely] interpret this verse’. This is the meaning of ‘opinion’ that Ibn ‘Abbās ؓ mentioned: One that stems from ignorance of the meaning with which the Qur’ān was revealed. Nāfi<sup>ؓ</sup> said, ‘When Ibn ‘Umar ؓ was asked about Ḥarūriyya he would reply, “They charge the Muslims with disbelief and declare their blood and wealth lawful”.’<sup>1</sup>

#### 16.2.10 IMAM IBN AL-BAZZĀZ AL-KURDARĪ’S POSITION

Imam Ḥāfiẓ al-Dīn Ibn al-Bazzāz al-Kurdarī, a renowned Ḥanafī authority of the ninth century, said in his collection of legal

<sup>1</sup> Abū Ishāq al-Shāṭibī, *al-I’tisām*, 4:182–184.

verdicts,

يَجِبُ إِكْفَارُ الْخَوَارِجِ فِي إِكْفَارِهِمْ جَمِيعَ الْأُمَّةِ سِوَاهُمْ.

‘It is obligatory to charge the Kharijites with disbelief due to their having charged everyone of the *Umma* but themselves with disbelief’.<sup>1</sup>

#### 16.2.1.1 IMAM BADR AL-DĪN AL-‘AYNĪ’S POSITION

Imam Badr al-Dīn al-‘Aynī writes in his commentary on *Ṣaḥīḥ al-Bukhārī*:

قَوْلُهُ ﷺ: يَمْرُقُونَ مِنَ الدِّينِ، مِنَ الْمُرُوقِ وَهُوَ الْخُرُوجُ. يُقَالُ: مَرَقَ مِنَ الدِّينِ مُرُوقًا، خَرَجَ مِنْهُ بِيَدْعَتِهِ وَضَلَالَتِهِ. وَفِي رِوَايَةٍ سُوَيْدِ بْنِ غَفَلَةَ عِنْدَ النَّسَائِيِّ وَالطَّبْرِيِّ: يَمْرُقُونَ مِنَ الْإِسْلَامِ.

The Prophet’s statement ﷺ, ‘They shall pass through the religion’, uses the word *murūq*, which is to exit. It is said, ‘So-and-so exited the religion [*marāqa*]’ when he left it due to his blameworthy innovation and misguidance. In the narration of Suwayd b. Ghafla in the collections of al-Nasā’ī and al-Ṭabarī it says, ‘They shall pass through Islam’.<sup>2</sup>

#### 16.2.1.2 IMAM AḤMAD B. MUHAMMAD AL-QAṢṬALĀNĪ’S POSITION

Imam Aḥmad b. Muhammad al-Qaṣṭalānī said in his commentary on *Ṣaḥīḥ al-Bukhārī*:

يَخْرُجُ فِي هَذِهِ الْأُمَّةِ الْمُحَمَّدِيَّةِ، وَلَمْ يَقُلْ مِنْهَا، فِيهِ صَبْطٌ لِلرِّوَايَةِ وَتَحْرِيرٌ لِمَوَاقِعِ الْأَلْفَاظِ وَإِشْعَارٌ بِأَنَّهُمْ لَيْسُوا مِنْ هَذِهِ الْأُمَّةِ فَظَاهِرُهُ أَنَّهُ يَرَى إِكْفَارَهُمْ لَكِنْ فِي مُسْلِمٍ مِنْ حَدِيثِ أَبِي دَرٍّ: سَيَكُونُ بَعْدِي مِنْ أُمَّتِي قَوْمٌ فَيُجَمَعُ بَيْنَهُ وَبَيْنَ حَدِيثِ أَبِي سَعِيدٍ بَأَنَّ الْمُرَادَ فِي حَدِيثِ أَبِي سَعِيدٍ بِالْأُمَّةِ أُمَّةُ الْإِجَابَةِ وَفِي غَيْرِهِ أُمَّةُ الدَّعْوَةِ.

<sup>1</sup> Ibn al-Bazzāz, *al-Fatāwā al-bazzāziyya ‘alā hāmish al-fatāwā al-‘ālamghīriyya*, 6:318.

<sup>2</sup> Badr al-Dīn al-‘Aynī, *Umdat al-qārī*, 16:209.

The report, ‘There shall appear in this [Muhammadan] *Umma*. . .’ ‘and he did not say, ‘from this *Umma*’, is a case of exactitude in the narration and clarity in expression. It gives the impression that they are not from this *Umma*. The apparent wording shows that he believed that they are to be charged with disbelief; however, in Muslim’s narration from the hadith of Abū Dharr it reads, ‘There shall appear a folk from my *Umma* after me’. This hadith is reconciled with the hadith of Abū Sa‘īd by stating that the *Umma* in Abū Sa‘īd’s narration is the *Umma* of Response, and the *Umma* in Abū Dharr’s narration is the *Umma* of Invitation.<sup>1</sup>

#### 16.2.13 MULLĀ ‘ALĪ AL-QĀRĪ’S POSITION

Mullā ‘Alī al-Qārī said in *Mirqāt al-mafātīh*,

يَحْتَمِلُ أَنْ يُقَالَ لَهُمْ شَبَهٌ بِأَهْلِ الْحَقِّ لَغُلُوبِهِمْ فِي تَكْفِيرِ أَهْلِ الْمَعْصِيَةِ، وَلَكِنَّهُمْ أَهْلُ  
الْبَاطِلِ لِمُخَالَفَتِهِمُ الْإِجْمَاعَ.

‘It could be said that with their charges of disbelief against disobedient people they bear a resemblance to the people of truth [Muslims]; however, they are the people of falsehood [disbelief] because of their opposition to scholarly consensus’.<sup>2</sup>

#### 16.2.14 SHAYKH ‘ABD AL-ḤAQQ AL-DIHLAWĪ’S POSITION

The renowned Indian scholar, Shaykh ‘Abd al-Ḥaqq al-Dihlawī, said, ‘The correct position is that fighting the Kharijites in every age is an act for which one earns reward, as our master ‘Alī عليه السلام ordered that they be fought due to their transgression, and this is the well-known position. And the Kharijites believed that even the person who commits sins is a disbeliever—both major and minor sins’.<sup>3</sup>

<sup>1</sup> Aḥmad al-Qaṣṭalānī, *Irshād al-sārī*, 10:85–86.

<sup>2</sup> Al-Qārī, *Mirqāt al-mafātīh sharḥ mishkāṭ al-maṣābīḥ*, 7:107.

<sup>3</sup> ‘Abd al-Ḥaqq al-Dihlawī, *Ash‘at al-lama‘āt*, 3:254.

### 16.2.15 SHĀH ‘ABD AL-‘AZĪZ AL-DIHLAWĪ’S POSITION

According to Shāh ‘Abd al-‘Azīz al-Dihlawī, the disbelief of the Kharijites is agreed upon. He said, ‘Indeed, it is a point of scholarly consensus that all who fought against ‘Alī out of enmity and hatred are considered disbelievers’.<sup>1</sup>

### 16.2.16 IMAM IBN ‘ĀBIDĪN AL-SHĀMĪ’S POSITION

Ibn ‘Ābidīn al-Shāmī said:

يُكْفَرُونَ أَصْحَابَ نَبِيِّنَا ﷺ، عَلِمْتُ أَنَّ هَذَا غَيْرُ شَرْطٍ فِي مُسَمَى الْخَوَارِجِ، بَلْ هُوَ بَيَانٌ لِمَنْ خَرَجُوا عَلَى سَيِّدِنَا عَلِيٍّ ﷺ، وَإِلَّا فَيَكْفِي فِيهِمْ اعْتِقَادُهُمْ كُفْرَ مَنْ خَرَجُوا عَلَيْهِ. . . . حُكْمُ الْخَوَارِجِ عِنْدَ جُمْهُورِ الْفُقَهَاءِ وَالْمُحَدِّثِينَ حُكْمُ الْبَغَاةِ، وَذَهَبَ بَعْضُ الْمُحَدِّثِينَ إِلَى كُفْرِهِمْ.

They charged the Companions of our Prophet ﷺ with disbelief; but know that this is not a pre-requisite for the term Kharijites; rather, it is but an explanation regarding those who rebelled against our master ‘Alī ﷺ. Otherwise, it suffices that they believe the one whom they rebel against is a disbeliever [for their disbelief]. . . . According to the majority of the jurists and hadith scholars, the Kharijites are judged as rebels, and some of the hadith scholars took the position that they are disbelievers.<sup>2</sup>

### 16.2.17 SHAYKH ‘ABD AL-RAḤMĀN MUBĀRAKPŪRĪ’S POSITION

The famous hadith scholar of India, ‘Abd al-Raḥmān Mubārakpūrī, said,

”إِنَّمَا هُمُ الْخَوَارِجُ“ جَمْعُ خَارِجَةٍ، وَهُمْ قَوْمٌ مُبْتَدِعُونَ سُمُّوا بِذَلِكَ لِخُرُوجِهِمْ عَنِ الدِّينِ وَخُرُوجِهِمْ عَلَى خِيَارِ الْمُسْلِمِينَ. وَمِمَّنْ ذَهَبَ إِلَى تَكْفِيرِهِمْ أَيْضًا الْحَسَنُ بْنُ مُحَمَّدٍ بْنِ عَلِيٍّ وَرَوَايَةٌ عَنِ الْإِمَامِ الشَّافِعِيِّ وَرَوَايَةٌ عَنِ الْإِمَامِ مَالِكٍ وَطَائِفَةٌ مِنْ أَهْلِ الْحَدِيثِ.

<sup>1</sup> ‘Abd al-‘Azīz al-Dihlawī, *Tuḥfat ithnā ash‘ariyya*, p. 795.

<sup>2</sup> Ibn ‘Ābidīn, *Radd al-muḥtār*, 4:262.

‘They are but Kharijites’: [*Khawārij*] is the plural of ‘*khārīja*’ [‘he who went out’], and they are a group of blameworthy innovators given that name because of their having left the religion and the best of the Muslims. Those who held that they are to be charged with disbelief include al-Ḥasan b. Muhammad b. ‘Alī, and there is also a narration to that effect from Imam al-Shāfi‘ī, Imam Mālik and a group from the traditionists [*ahl al-ḥadīth*].<sup>1</sup>

### 16.3 THE SECOND POSITION: THE KHARIJITES ARE REBELS

Another group of scholars observed caution and did not charge the Kharijites with disbelief. Instead, they labelled them as rebels and agreed that they should be fought. Furthermore, the scholars who charged the Kharijites with disbelief also held that they are rebels and should be fought. So although there is a difference of opinion regarding the disbelief of the Kharijites, there is a consensus that they are to be fought against. Imam Ibn Qudāma al-Maqdisī said:

الْخَوَارِجُ الَّذِينَ يُكْفَرُونَ بِالذَّنْبِ، وَيُكْفَرُونَ عُثْمَانَ وَعَلِيًّا وَطَلْحَةَ وَالزُّبَيْرَ، وَكَثِيرًا مِنْ الصَّحَابَةِ، وَيَسْتَحِلُّونَ دِمَاءَ الْمُسْلِمِينَ، وَأَمْوَالَهُمْ، إِلَّا مَنْ خَرَجَ مَعَهُمْ، فَظَاهِرٌ قَوْلُ الْفُقَهَاءِ مِنْ أَصْحَابِنَا الْمَتَأَخِّرِينَ أَنَّهُمْ بَغَاةٌ، حُكْمُهُمْ حُكْمُ الْبَغَاةِ، وَلَا خِلَافَ فِي قَتْلِهِمْ فَإِنَّهُ حُكْمٌ مَنْصُوصٌ عَلَيْهِ بِأَمْرِ النَّبِيِّ ﷺ. وَهَذَا قَوْلُ أَبِي حَنِيفَةَ، وَالشَّافِعِيِّ، وَجُمْهُورِ الْفُقَهَاءِ، وَكَثِيرٍ مِنْ أَهْلِ الْحَدِيثِ.

The Kharijites are those who declare [others] disbelievers on account of sins, and who declare ‘Uthmān, ‘Alī, Ṭalḥa, Zubayr and many of the Companions disbelievers. And they believe it is lawful to shed the blood of the Muslims and to seize their wealth—except those of them who rebel along with them. The apparent view of the jurists from our latter-day colleagues is that they are rebels. They take the same ruling as the rebels and there is no disagreement about killing them, for it is a ruling that is textually stated in the Prophet’s command ﷺ. This is also the opinion

<sup>1</sup> Abd al-Rahmān Mubārakpūrī, *Tuhfat al-aḥwadhī*, 6:354.

of Abū Ḥanīfa, al-Shāfiʿī, the majority of the jurists and many of the traditionists [*ahl al-ḥadīth*].<sup>1</sup>

The following is a list of scholars and jurists who only considered the Kharijites as rebels. It is worth noting that the responsibility of fighting rebels falls on the state; Islam does not allow vigilantism, no matter how noble the intention behind it.

### 16.3.1 IMAM ABŪ ḤANĪFA

Imam Abū Ḥanīfa ruled that the Kharijites are rebels that should be fought.

عَنْ أَبِي مُطَيْعٍ، قَالَ: قُلْتُ لِأَبِي حَنِيفَةَ: مَا تَقُولُ فِي الْخَوَارِجِ الْمُحْكَمَةِ؟ قَالَ: هُمْ أَخْبَثُ الْخَوَارِجِ. قُلْتُ لَهُ: أُنَكْفِرُهُمْ؟ قَالَ: لَا. وَلَكِنْ نَقَاتِلُهُمْ عَلَى مَا قَاتَلَهُمُ الْأَنْبِيَاءُ مِنْ أَهْلِ الْخَيْرِ: عَلِيٌّ وَعُمَرُ بْنُ عَبْدِ الْعَزِيزِ. قُلْتُ: فَإِنَّ الْخَوَارِجَ يُكَبِّرُونَ وَيُصَلُّونَ وَيَتْلُونَ الْقُرْآنَ. قَالَ: أَمَا تَذْكُرُ حَدِيثَ أَبِي أُمَامَةَ رضي الله عنه حِينَ دَخَلَ مَسْجِدَ دِمَشْقَ، فَقَالَ لِأَبِي غَالِبٍ الْجَنْصِيِّ: هَؤُلَاءِ كِلَابُ أَهْلِ النَّارِ، هَؤُلَاءِ كِلَابُ أَهْلِ النَّارِ، وَهُمْ شَرُّ قَتْلَى تَحْتَ أَدِيمِ السَّمَاءِ. (ثُمَّ ذَكَرَ حَدِيثًا طَوِيلًا). قَالَ لَهُ: أَشَيْءٌ تَقُولُهُ بِرَأْيِكَ أَمْ سَمِعْتَهُ مِنْ رَسُولِ اللَّهِ ﷺ؟ قَالَ: إِنِّي لَوْ لَمْ أَسْمَعْهُ مِنْهُ إِلَّا مَرَّةً أَوْ مَرَّتَيْنِ أَوْ ثَلَاثَ مَرَّاتٍ إِلَى سَبْعِ مَرَّاتٍ لَمَا حَدَّثْتُكُمْ بِهِ.

Abū Muṭīʿ said, ‘I said to Abū Ḥanīfa, “What do you say regarding the *Muḥkama* faction of the Kharijites?” He replied, “They are the vilest of the Kharijites”. I then asked him, “Should we charge them with disbelief?” He replied, “No; however, we fight them for the same reasons the Imams of goodness—Alī and ‘Umar b. ‘Abd al-‘Azīz—fought them”. I then said, “But the Kharijites cry out with the *takbīr* [saying, ‘*Allāh akbar*’ (God is the Greatest)], offer prayers and recite the Qur’ān”. He retorted, “Don’t you remember the hadith of Abū Umāma رضي الله عنه? He entered the Mosque of Damascus and said to Abū Ghālib al-Ḥimṣī, ‘They are the dogs of Hellfire, they are

<sup>1</sup> Ibn Qudāma al-Maqdisī, *al-Mughnī*, 9:4.



the dogs of the Hellfire. They are the most evil of those slain under the heavens. . . .’ Abū Ghālib asked Abū Umāma, ‘Did you give your own opinion or did you hear that from the Messenger of God ﷺ?’ He replied, ‘Had I not heard it once, twice, thrice, four times, five times, six times or seven times, I would not have narrated it to you all’.”<sup>1</sup>

### 16.3.2 IMAM SHAMS AL-DĪN AL-SARAKHSĪ

The renowned jurist of the Ḥanafī school, Shams al-Dīn al-Sarakhsī, held that it is lawful to seek the aid and assistance of non-Muslim citizens [*ahl al-dhimma*] against the Kharijites:

لَا بَأْسَ بِأَنْ يَسْتَعِينَ أَهْلُ الْعَدْلِ بِقَوْمٍ مِنْ أَهْلِ الْبَغْيِ وَأَهْلِ الذِّمَّةِ عَلَى الْخَوَارِجِ . . .  
لَأَنَّهُمْ يُقَاتِلُونَ لِإِعْزَازِ الدِّينِ.

‘There is no harm in the people of justice seeking the aid of some people from the rebels and non-Muslim citizens against the Kharijites . . . because they are fighting for the sake of promoting the religion’.<sup>2</sup>

### 16.3.3 IBN ḤAJAR AL-‘ASQALĀNĪ

Ibn Ḥajar said in his commentary on *Ṣaḥīḥ al-Bukhārī*

فِي الْحَدِيثِ الْكَفُّ عَنْ قَتْلِ مَنْ يَعْتَقِدُ الْخُرُوجَ عَلَى الْإِمَامِ مَا لَمْ يَنْصَبْ لِدَلِكْ حَرْبًا، أَوْ يَسْتَعِدَّ لِدَلِكْ، لِقَوْلِهِ ﷺ: فَإِذَا خَرَجُوا فَاقْتُلُوهُمْ. وَحَكَى الطَّبْرِيُّ الْإِجْمَاعَ عَلَى ذَلِكَ فِي حَقِّ مَنْ لَا يَكْفُرُ بِاعْتِقَادِهِ، وَأُسْنَدَ عَنْ عُمَرَ بْنِ عَبْدِ الْعَزِيزِ أَنَّهُ كَتَبَ فِي الْخَوَارِجِ بِالْكَفِّ عَنْهُمْ مَا لَمْ يَسْفِكُوا دَمًا حَرَامًا، أَوْ يَأْخُذُوا مَالًا، فَإِنْ فَعَلُوا فَقَاتِلُوهُمْ، وَلَوْ كَانُوا وَلَدِي. وَمِنْ طَرِيقِ ابْنِ جُرَيْجٍ: قُلْتُ لِعَطَاءٍ: مَا يُحِلُّ لِي قِتَالُ الْخَوَارِجِ؟ قَالَ: إِذَا قَطَعُوا السَّبِيلَ، وَأَخَافُوا الْأَمْنَ. وَأُسْنَدَ الطَّبْرِيُّ عَنِ الْحَسَنِ: أَنَّهُ سَأَلَ عَنْ رَجُلٍ كَانَ يَرَى رَأْيَ الْخَوَارِجِ وَلَمْ يَخْرُجْ، فَقَالَ: الْعَمَلُ أَمْلَكُ بِالنَّاسِ مِنَ الرَّأْيِ.

<sup>1</sup> Muhammad Zāhid al-Kawtharī, *Majmū‘at al-‘aqīda wa ‘ilm al-kalām*, pp. 603–604.

<sup>2</sup> Shams al-Dīn al-Sarakhsī, *Kitāb al-mabsūt*, 10:134.

وَذَهَبَ أَكْثَرُ أَهْلِ الْأَصُولِ مِنْ أَهْلِ السُّنَّةِ إِلَى أَنَّ الْخَوَارِجَ فُسَّاقٌ. إِنَّمَا فَسَّقُوا بِتَكْفِيرِهِمُ الْمُسْلِمِينَ مُسْتَنْدِينَ إِلَى تَأْوِيلٍ فَاسِدٍ، وَجَرَّهُمْ ذَلِكَ إِلَى اسْتِیَاحَةِ دِمَائِهِمْ مُخَالِفِينَهِمْ وَأَمْوَالِهِمْ وَالشَّهَادَةِ عَلَيْهِمْ بِالْكَفْرِ وَالشِّرْكِ. رَوَى الْخَلَّالُ فِي السُّنَّةِ بِإِسْنَادِهِ، فَقَالَ: أَخْبَرَنِي يُوسُفُ بْنُ مُوسَى، أَنَّ أَبَا عَبْدِ اللَّهِ (أَيَّ أَحْمَدَ بْنَ مُحَمَّدٍ بْنِ حَنْبَلٍ) قِيلَ لَهُ: أَكْفَرُ الْخَوَارِجُ؟ قَالَ: هُمْ مَارِقَةٌ، قِيلَ: أَكْفَارُ هُمْ؟ قَالَ: هُمْ مَارِقَةٌ مَرْقُوعًا مِنَ الدِّينِ.

This hadith indicates that those who believe in revolting against the government should not be killed so long as they do not wage a war on that basis or make preparations for it—this is due to the Prophet’s statement ﷺ, ‘and kill them if they revolt’. Al-Ṭabarī cited a consensus about this with respect to the one whose beliefs do not entail disbelief, and traced a report that ‘Umar b. ‘Abd al-‘Azīz wrote [to his governors] ordering ‘that the Kharijites be left alone unharmed so long as they do not shed blood unlawfully or seize wealth. And if they do that, then launch military operation against them at state level, even if they are my own progeny’. And in one route of transmission from Jurayj it is mentioned that he said to ‘Aṭā’, ‘What makes it lawful for me to kill the Kharijites?’ ‘Aṭā’ replied, ‘When they act as brigands on the roads and threaten security’. And al-Ṭabarī traced a report from al-Ḥasan in which he was asked about a man who held the beliefs of the Kharijites but did not revolt. Al-Ḥasan replied, ‘People regard action more valuable than opinion’.<sup>1</sup>

And most of the scholars of legal theory [*uṣūl*] from *Ahl al-Sunna* held that the Kharijites were criminals because of their charges of disbelief levelled against the Muslims—charges that were based on corrupt, self-styled interpretations that led them to declare lawful the blood and wealth of their opponents, and charge them with

<sup>1</sup> Ibn Ḥajar al-‘Asqalānī, *Fath al-Bārī*, 12:299.

disbelief and polytheism. Al-Khalāl narrated in *al-Sunna* with his chain of transmission: ‘Yūsuf b. Mūsā informed me that Abū ‘Abd Allāh [i.e., Imam Aḥmad b. Ḥanbal] was asked, “Did the Kharijites disbelieve?” He said, “They are renegades [*māriqa*]”. He was then asked, “Are they disbelievers?” He replied, “They are renegades; they passed through the religion”.’<sup>1</sup>

### 16.3.4 IMAM AḤMAD RIḌĀ KHĀN

Imam Aḥmad Riḍā Khān said about the Kharijites, ‘The people of Nahrawan, who rebelled against ‘Alī and declared him a disbeliever, were corrupt reprobates and arrogant rebels. They struggled under the banner of a new sect named the Kharijites, and the many disruptions that spread in the *Umma*—till today—were because of them’.<sup>2</sup>

### 16.4 THE RATIONALE BEHIND THE RULING TO ELIMINATE THE KHARIJITES

We see from the aforementioned quotes that the scholars differed about whether the Kharijites should be charged with disbelief or not. All of the jurists, no matter what opinion they took, agreed that they should be fought and eliminated.

In the hadith of Sharīk b. Shihāb رضي الله عنه, the Prophet ﷺ said, ‘They shall pass through the religion just as an arrow passes through a hunted game. Their notable feature is shaven heads. They shall continue to appear until the last of them appears with the Anti-Christ [al-Dajjāl]; so you should kill them when you encounter them [during war]. They are the most evil of the creation’.<sup>3</sup> ‘Abd Allāh b. ‘Umar رضي الله عنه reported that the Messenger of God ﷺ said,

<sup>1</sup> Ibid., 12:300.

<sup>2</sup> Aḥmad Riḍā Khān, *al-‘Aṭāyā al-Nabawiyya fī al-fatāwā al-riḍāwiyya*, 29:363.

<sup>3</sup> Narrated by Aḥmad b. Ḥanbal in *al-Musnad*, 4:421; al-Nasā’ī in *al-Sunan: Kitāb taḥrīm al-dam* [The Book on the Prohibition of Bloodshed], chapter: ‘Regarding the One Who Unsheathes His Sword and Wields it amongst People’, 7:119 §4103; al-Nasā’ī in *al-Sunan al-kubrā*, 2:312 §3566; al-Bazzār in *al-Musnad*, 9:294 §3846; and al-Ṭayālīsī in *al-Musnad*, 1:124 §923.

كُلَّمَا خَرَجَ قَرْنٌ قُطِعَ، أَكْثَرَ مِنْ عِشْرِينَ مَرَّةً، حَتَّى يَخْرُجَ فِي عِرَاضِهِمُ الدَّجَالُ.

‘Every time a generation of them appears it will be cut down—this will occur over twenty times—until the Anti-Christ appears in their last remnant’.<sup>1</sup>

Ibn Hubayra al-Ḥanbalī said,

فِي الْحَدِيثِ أَنَّ قِتَالَ الْخَوَارِجِ أَوْلَى مِنْ قِتَالِ الْمُشْرِكِينَ، وَالْحِكْمَةُ فِيهِ: أَنَّ فِي قِتَالِهِمْ حِفْظَ رَأْسِ مَالِ الْإِسْلَامِ، وَفِي قِتَالِ أَهْلِ الشَّرْكِ طَلَبُ الرِّبْحِ، وَحِفْظُ رَأْسِ الْمَالِ أَوْلَى.

The hadith mentions that fighting the Kharijites is more important than fighting the pagans. The wisdom behind fighting them first is that it safeguards the capital of Islam’s wealth, whereas fighting the pagans is a pursuit of profit: and protecting one’s capital is more important than seeking profit.<sup>2</sup>

Ibn Taymiyya held that there is consensus on waging war against Kharijites to eliminate them:

كَانَ قِتَالُهُمْ ثَابِتًا بِالسُّنَّةِ الصَّحِيحَةِ الصَّرِيحَةِ وَبِاتِّفَاقِ الصَّحَابَةِ. . . . وَالْبُعَاةُ الْمَأْمُورُ بِقِتَالِهِمْ هُمُ الَّذِينَ بَعَاوْا بَعْدَ الْإِفْتِتَالِ، وَامْتَنَعُوا مِنَ الْإِصْلَاحِ الْمَأْمُورِ بِهِ؛ فَصَارُوا بُعَاةً مُقَاتَلِينَ. وَالْبُعَاةُ إِذَا ابْتَدَأُوا بِالْقِتَالِ جَازَ قِتَالُهُمْ بِالِاتِّفَاقِ؛ كَمَا يَجُوزُ قِتَالُ الْغَوَاةِ قَطَّاعِ الطَّرِيقِ إِذَا قَاتَلُوا بِاتِّفَاقِ النَّاسِ.

So fighting against them is established in the authentic and explicit Sunna, and is the agreement of the Companions. . . . The rebels against whom fighting is ordered are those who rebel after fighting erupts, and who refuse to follow the command of making peace and who become militant. By the agreement of the scholars, it is permissible to fight

<sup>1</sup> Narrated by Ibn Mājah in *al-Sunan*: ‘Introduction’, section, ‘Mention of the Kharijites’, 1:61 §174.

<sup>2</sup> Ibn Ḥajar al-ʿAsqalānī, *Fath al-Bārī*, 5:157.

against rebels when they initiate fighting, just as everyone agrees that it is permissible to fight the highway brigands when they fight.<sup>1</sup>

Ibn Ḥajar al-ʿAsqalānī said:

فِي رَوَايَةِ أَبِي إِسْحَاقَ عَنْ سُؤَيْدِ بْنِ عَقْلَةَ عِنْدَ النَّسَائِيِّ وَالطَّبْرِيِّ: يَمْرُقُونَ مِنَ الْإِسْلَامِ. وَكَذَا فِي حَدِيثِ ابْنِ عُمَرَ فِي الْبَابِ، وَعِنْدَ النَّسَائِيِّ مِنْ رَوَايَةِ طَارِقِ بْنِ زِيَادٍ عَنْ عَلِيِّ يَمْرُقُونَ مِنَ الْحَقِّ وَقَوْلُهُ ﷺ: فَأَيْنَمَا لَقِيتُمُوهُمْ فَافْتُلُوهُمْ، فَإِنَّ فِي قَتْلِهِمْ أَجْرًا لِمَنْ قَتَلَهُمْ يَوْمَ الْقِيَامَةِ.

In the narration of Abū Ishāq from Suwayd b. Ghafla in the collection of al-Nasāʾī and al-Ṭabarī: ‘They shall pass through Islam’. Likewise, in the hadith of Ibn ʿUmar in the same section and recorded by al-Nasāʾī from the narration of Ṭāriq b. Ziyād from ʿAlī: ‘They shall pass through the truth’, and: ‘So kill them wherever you find them for the one who kills them shall receive a reward on the Day of Resurrection’.<sup>2</sup>

## 16.5 THE GREAT REWARD AWAITING THOSE WHO FIGHT THE KHARIJITES

Ibn Ḥajar al-ʿAsqalānī said:

فِي رَوَايَةِ زَيْدِ بْنِ وَهَبٍ: لَوْ يَعْلَمُ الْجَيْشُ الَّذِينَ يُصِيبُونَهُمْ مَا قُضِيَ لَهُمْ عَلَى لِسَانِ نَبِيِّهِمْ لَنَكَلُوا عَنِ الْعَمَلِ. وَأَخْرَجَ أَحْمَدُ نَحْوَ هَذَا الْحَدِيثِ عَنْ عَلِيٍّ وَزَادَ فِي آخِرِهِ: قَتَلْتَهُمْ حَقٌّ عَلَى كُلِّ مُسْلِمٍ. وَقَوْلُهُ ﷺ: صَلَاتُكُمْ مَعَ صَلَاتِهِمْ. زَادَ فِي رَوَايَةِ الرَّهْرِيِّ عَنْ أَبِي سَلَمَةَ كَمَا فِي الْبَابِ بَعْدَهُ وَصِيَامُكُمْ مَعَ صِيَامِهِمْ. وَفِي رَوَايَةِ عَاصِمِ بْنِ شُمَيْخٍ عَنْ أَبِي سَعِيدٍ: تَحْقِرُونَ أَعْمَالَكُمْ مَعَ أَعْمَالِهِمْ، وَوَصَفَ عَاصِمٌ أَصْحَابَ نَجْدَةِ الْحُرُورِيِّ بِأَنَّهُمْ، يَصُومُونَ النَّهَارَ وَيَقُومُونَ اللَّيْلَ وَيَأْخُذُونَ الصَّدَقَاتِ عَلَى السُّنَّةِ. أَخْرَجَهُ الطَّبْرِيُّ.

<sup>1</sup> Ibn Taymiyya, *al-Nubuwwāt*, pp. 223–225.

<sup>2</sup> Ibn Ḥajar al-ʿAsqalānī, *Fath al-Bārī*, 12:288.

وَمِثْلُهُ عِنْدَهُ مِنْ رِوَايَةِ يَحْيَى بْنِ أَبِي كَثِيرٍ عَنْ أَبِي سَلَمَةَ. وَفِي رِوَايَةِ مُحَمَّدِ بْنِ عَمْرٍو عَنْ أَبِي سَلَمَةَ عِنْدَهُ يَتَعَبَّدُونَ يَحْقِرُ أَحَدُكُمْ صَلَاتَهُ وَصِيَامَهُ مَعَ صَلَاتِهِمْ وَصِيَامِهِمْ. وَمِثْلُهُ مِنْ رِوَايَةِ أَنَسٍ عَنْ أَبِي سَعِيدٍ وَزَادَ فِي رِوَايَةِ الْأَسْوَدِ بْنِ الْعَلَاءِ عَنْ أَبِي سَلَمَةَ وَأَعْمَالَكُمْ مَعَ أَعْمَالِهِمْ. وَفِي رِوَايَةِ سَلَمَةَ بْنِ كُهَيْلٍ عَنْ زَيْدِ بْنِ وَهْبٍ عَنْ عَلِيٍّ: لَيْسَتْ قِرَاءَتُكُمْ إِلَى قِرَاءَتِهِمْ شَيْئًا وَلَا صَلَاتُكُمْ إِلَى صَلَاتِهِمْ شَيْئًا. أَخْرَجَهُ مُسْلِمٌ وَالطَّبْرِيُّ وَعِنْدَهُ مِنْ طَرِيقِ سُلَيْمَانَ التَّيْمِيِّ عَنْ أَنَسٍ: ذَكَرَ لِي عَنْ رَسُولِ اللَّهِ ﷺ، قَالَ: إِنَّ فِيكُمْ قَوْمًا يَذْأَبُونَ وَيَعْمَلُونَ حَتَّى يُعْجِبُوا النَّاسَ وَتُعْجِبَهُمْ أَنْفُسُهُمْ.

وَمِنْ طَرِيقِ حَفْصِ بْنِ أَخِي أَنَسٍ عَنْ عَمِّهِ بَلْفِظَ "يَتَعَمَّقُونَ فِي الدِّينِ". وَفِي حَدِيثِ ابْنِ عَبَّاسٍ عِنْدَ الطَّبْرَانِيِّ فِي قِصَّةِ مُنَاطَرَتِهِ لِلْخَوَارِجِ، قَالَ: فَاتَيْتُهُمْ فَدَخَلْتُ عَلَى قَوْمٍ لَمْ أَرِ أَشَدَّ اجْتِهَادًا مِنْهُمْ أَيْدِيهِمْ كَأَنَّهَا ثِقَفُ الْإِبِلِ وَوُجُوهُهُمْ مَعْلَمَةٌ مِنْ آثَارِ السُّجُودِ. وَأَخْرَجَ ابْنُ أَبِي شَيْبَةَ عَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُ أَنَّهُ ذَكَرَ عِنْدَهُ الْخَوَارِجُ وَاجْتِهَادُهُمْ فِي الْعِبَادَةِ، فَقَالَ: لَيْسُوا أَشَدَّ اجْتِهَادًا مِنَ الرُّهْبَانِ.

In the narration of Zayd b. Wahb: 'If only the Muslim army who encounters them knew what has been decreed for them upon the tongue of their Prophet ﷺ, they would rely on it [and cease doing other deeds]'. Ahmad narrated a similar hadith from 'Alī with the additional wording at the end: 'It is the duty upon every Muslim to fight them [in the operation at the state level]'. [We must not relax and procrastinate in fighting and eliminating the Kharijites due to their apparent religiosity, because of] the Prophet's statement ﷺ: '[You will deem] your prayers [insignificant] in comparison to their prayers'. Al-Zuhri's narration has an additional wording reported by Abū Salama—as is in the chapter after it: 'and [you will deem] your fasting [insignificant] in comparison to their fasting'. And in the narration of 'Āsim b. Shumaykh from Abū Sa'īd: 'You will deem your deeds insignificant in comparison to their deeds'. 'Āsim also described the people of Najda al-Ḥarūrā, saying, 'They fast during

the day and pray during the night and collect the alms according to the Sunna'. This was narrated by al-Ṭabarī.

A similar report is found in his [al-Ṭabarī's] collection from the narration of Yaḥyā b. Abī Kathīr from Abū Salama, and in a narration from Muhammad b. 'Amr from Abū Salama: 'They will be devout in their worship; one of you will deem his prayers and fasting insignificant in comparison to theirs'. And there is a similar report from the narration of Anas from Abū Sa'īd, and in the narration of Aswad b. al-'Alā' from Abū Salama, there is the additional wording: 'You will deem your deeds insignificant in comparison to theirs'. And in the narration of Salama b. Kuhayl from Zayd b. Wahb, from 'Alī: 'Your recitation will not be comparable to theirs, nor your prayers to theirs'. This was narrated by Muslim and al-Ṭabarī, the latter of whom narrated from the route of Sulaymān al-Taymī from Anas: 'It was mentioned to me that the Messenger of God ﷺ said, "Amongst you are a folk who persevere and strive [in good deeds] until they amaze people and their own egos amaze themselves".'

This report has an additional wording from the route of Ḥafṣ, Anas' nephew, from his uncle: 'They will absorb themselves deeply in the religion [*yata'ammaqūn*]'. Al-Ṭabarānī narrates the story of Ibn 'Abbās' debate with the Kharijites, in which Ibn 'Abbās said, 'I went to them, and I have never seen a people more assiduous in their efforts. Their hands resembled the feet of camels [thick and rough] and the marks of prostration were prominent upon their faces'. Ibn Abī Shayba narrated that when someone mentioned the Kharijites and their efforts in the presence of Ibn 'Abbās, he said, 'They are not as hard working as the monks!'<sup>1</sup>

<sup>1</sup> Ibid., 12:288–289.

## 16.6 THE VIEWS OF ANWAR SHĀH KĀSHMĪRĪ AND SHABBĪR AḤMAD ʿUTHMĀNĪ ON THE KHARIJITES

Anwar Shāh Kāshmīrī and Shabbīr Aḥmad ʿUthmānī, two well-known scholars from the Deobandi school of thought of the Indian Subcontinent, spoke in detail about the Kharijites and other rebellious groups. ʿUthmānī penned a small research in his book, *Fath al-Mulhim*, with the title: ‘A Noble Research Concerning the Charge of Disbelief Applied to the Kharijites and Others from the Ḥarūrīs and Heretics, and Whether They are to be Fought, and if so, When’. He quoted the statements of Ibn Ḥajar al-ʿAsqalānī in which he labelled them corrupt rebels who should be fought, as per the Prophet’s command ﷺ: ‘Kill them when they revolt against the state’.

Then Shabbīr Aḥmad ʿUthmānī paraphrased the views of Qāḍī ʿIyāḍ, al-Qurṭubī and al-Subkī on the disbelief of the Kharijites, and quoted Kāshmīrī in *Fath al-Mulhim* (5:154):

وَالْحَقُّ أَنَّ حَدِيثَ الْمُرُوقِ يَدُلُّ عَلَى أَنَّ الْمَارِقَةَ أَقْرَبُ إِلَى الْكُفْرِ مِنَ الْإِيمَانِ، وَمَنْ أَصْرَحَ مَا وَجَدْتُ فِيهِ مَا عِنْدَ ابْنِ مَاجَهَ عَنْ أَبِي أُمَامَةَ: قَدْ كَانَ هَؤُلَاءِ مُسْلِمِينَ، فَصَارُوا كُفَرَاءً. قُلْتُ: يَا أَبَا أُمَامَةَ، هَذَا شَيْءٌ تَقُولُهُ؟ قَالَ: بَلْ سَمِعْتُهُ مِنْ رَسُولِ اللَّهِ ﷺ. قَالَ الْحَافِظُ مُحَمَّدُ بْنُ إِبْرَاهِيمَ الْيَمَانِيُّ فِي “إِتْقَانِ الْحَقِّ (ص/ ٤٢١)”:  
وَإِسْنَادُهُ حَسَنٌ. وَحَسَنَةُ التِّرْمِذِيِّ مُخْتَصَرًا.

The truth of the matter is that the hadith which mentions ‘passing’ [*murūq*] proves that those who ‘pass’ are closer to disbelief than faith. The most explicit text I have found stating this is the narration of Ibn Mājah from Abū Umāma, who said, ‘They were Muslims and then became disbelievers’. [Abū Ghālib, the narrator, said:] ‘I asked, “Is this something you say from your own opinion, or is it something you heard from the Messenger of God ﷺ?” He replied, “. . . I heard it from the Messenger of God”.’ Al-Ḥāfiẓ Muhammad b. Ibrāhīm al-Yamānī said in *Īthār al-ḥaqq*, ‘Its chain of transmission is authentic, as declared by al-Tirmidhī in summarized form’. (p. 421)



‘Uthmānī commented:

يُؤَيِّدُ الْقَوْلَ الْمَذْكُورُ الْأَمْرَ بِقَتْلِهِمْ مَعَ مَا تَقَدَّمَ مِنْ حَدِيثِ ابْنِ مَسْعُودٍ: لَا يَحِلُّ قَتْلُ  
امْرِئٍ مُسْلِمٍ إِلَّا بِأَحَدٍ ثَلَاثٍ وَفِيهِ: التَّارِكُ لِدِينِهِ؛ الْمَفَارِقُ لِلْجَمَاعَةِ وَوَرَدَ فِي بَعْضِ  
الرِّوَايَاتِ الصَّحِيحَةِ: الْمَارِقُ مِنَ الدِّينِ، التَّارِكُ لِلْجَمَاعَةِ.

The aforementioned view is buttressed by the command to kill them, in addition to the hadith of Ibn Mas‘ūd mentioned earlier: ‘It is impermissible to kill a Muslim except for one of three reasons. . .’ In that hadith it mentions: ‘the one who leaves the religion and separates himself from the community [*jamā‘a*]’. In some rigorously authentic narrations of the same report, it mentions, ‘the one who passes through the religion [*māriq*], and the one who separates himself from the community’.<sup>1</sup>

‘Uthmānī continued, elaborating the position of the Ḥanbalī school on fighting the Kharijites:

الظَّاهِرُ عِنْدِي دِرَايَةٌ وَرَوَايَةٌ قَوْلِ أَهْلِ الْحَدِيثِ، أَمَّا رَوَايَةٌ: فَقَوْلُهُ ﷺ: فَأَيْنَ لَقَيْتُمُوهُمْ  
فَأَقْتُلُوهُمْ وَأَمَّا قَوْلُ عَلِيٍّ ﷺ: فَمَعْنَاهُ أَنَّ الْإِنْكَارَ عَلَى الْإِمَامِ وَالطَّعْنَ فِيهِ لَا يُوجِبُ  
قِتْلًا، حَتَّى يَنْزِعَ يَدَهُ مِنَ الطَّاعَةِ، فَيَكُونُ بَاغِيًّا، أَوْ قَاطِعَ الطَّرِيقِ.

It seems apparent to me, considering the narrations and their meanings, that the correct view on this is the one held by the traditionists [*ahl al-ḥadīth*]. As for the narrations, consider the statement of the Prophet ﷺ, ‘So kill them wherever you find them’. And as for ‘Alī’s statement, it means that censuring the ruler and defaming him does not call for fighting; only when such a person challenges the writ of the government and becomes either a rebel or a brigand.<sup>2</sup>

<sup>1</sup> Shabbīr Aḥmad ‘Uthmānī, *Faṭḥ al-Mulhim*, 5:154.

<sup>2</sup> Ibid., 5:155.

In the conclusion of his research, ‘Uthmānī mentioned both his viewpoint and the opinion of Kāshmīrī:

قَالَ فِي مَوْضِعٍ آخَرَ مِنْ رِسَالَتِهِ بَعْدَ سَرْدِ الْأَحَادِيثِ: فَخَرَجَ مِنْ هَذِهِ الْأَحَادِيثِ  
بِهَذَا الْوَجْهِ وَجْهٌ مِنْ كُفْرِهِمْ مِنْ أَهْلِ الْحَدِيثِ، وَقَدْ نَسَبَهُ السَّنْدِيُّ عَلَى سَنَنِ النَّسَائِيِّ  
إِلَيْهِمْ، وَهُوَ قَوْلُ فَحْلٍ، وَكَذَا نَسَبَهُ فِي فَتْحِ الْقَدِيرِ إِلَيْهِمْ، وَخَرَجَ عَدَمُ الْفُرْقِ بَيْنَ  
الْجُحُودِ وَالْتَّوِيلِ فِي الْقَطْعِيَّاتِ. وَاللَّهُ سُبْحَانَهُ وَتَعَالَى أَعْلَمُ. وَخَرَجَ أَنَّ الْكُفْرَ قَدْ  
يَلْزَمُ مِنْ حَيْثُ لَا يَدْرِي، مَعَ مَا يَحْفَرُ أَحَدُكُمْ صَلَاتَهُ وَصِيَامَهُ مَعَ صَلَاتِهِمْ وَصِيَامِهِمْ،  
وَأَعْمَالَهُ مَعَ أَعْمَالِهِمْ، وَلَيْسَتْ قِرَاءَتُهُ إِلَى قِرَاءَتِهِمْ شَيْئًا، فَخُذْ هَذِهِ الْجُمْلَةَ التَّبْوِيَّةَ  
أَصْلًا فِي مَسْأَلَةِ التَّكْفِيرِ، فَهِيَ كَأَحْرِفِ الْقُرْآنِ، كُلُّهَا شَافٍ كَافٍ.

After mentioning the hadith reports elsewhere, he [Kāshmīrī] said, ‘Those of the traditionists who charged them [the Kharijites] with disbelief derived their view from these hadith reports. Al-Sindī—may God have mercy upon him—also charged them [with disbelief] in his commentary on al-Nasā’ī’s *al-Sunan*, and this is a solid view. Similarly, the author of *Fath al-Qadīr* [al-Munāwī] charged them [with disbelief] and mentioned that there is no distinction between denial and erroneous interpretation when it comes to [disbelief in] the unequivocal matters [*qaṭ‘īyāt*]<sup>1</sup>—and God Most High knows best. It is also derived [from these hadith reports] that disbelief may occur whilst one is unaware, in addition to the fact that ‘one of you will see his prayers, fasting, deeds and recitation as insignificant in comparison to theirs’. Hence, you should take these prophetic words as a basis for the issue of charging [others] with disbelief, for they are like the letters of the Qur’ān: all of them heal and suffice.’<sup>1</sup>

<sup>1</sup> Ibid.